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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,402	11/10/2000	Peter Paul Polit	RCA88820	1656

7590 12/03/2003  
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EXAMINER

LY, ANH VU H

ART UNIT PAPER NUMBER

2667

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/582,402

Applicant(s)

POLIT ET AL.

Examiner

Anh-Vu H Ly

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the page numbering of the specification should be preserved throughout the specification. The specification currently indicating page 4 and page 4a. Examiner suggests page 4a should be changed to page 5 and so on. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee, Don et al. (WO 98/11704). Hereinafter, referred to as Lee.

With respect to claim 1, Lee discloses (page 14, line 24 – page 15, line 32 and Fig. 5b) that the caller dials the recipient's number using the telephone handset in step 430. Herein, the caller's appliance may be set-up to automatically select the Internet call mode if the number dialed checks with the internal phonebook (initiating an internet voice call to a called device). In this mode of operation, the called device is determined not connecting to the Internet (determining whether the called device is already connected to the Internet). In step 438, the caller's appliance initiates PSTN call to the recipient's appliance and the recipient's appliance checked the Caller ID (initiating a PSTN telephone call with associated caller ID information to

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the called device, if the called device is not already connected to the Internet). In step 120', the recipient's appliance dials local network service provider (NSP) to establish PPP link (connected the called device to the Internet in response to the associated caller ID information).

With respect to claim 2, Lee discloses in Fig. 5b, a method of using local caller identification for notifying the called device of an incoming call (wherein the associated caller ID information is a predetermined caller ID number).

With respect to claim 3, Lee discloses (page 14, line 24 – page 15, line 32 and Fig. 5b) that the caller dials the recipient's number using the telephone handset in step 430. Herein, the caller's appliance may be set-up to automatically select the Internet call mode if the number dialed checks with the internal phonebook (initiating an internet voice call to a called device). In this mode of operation, the called device is determined not connecting to the Internet (determining whether the called device is connected to the Internet). If an Internet call is desired, the caller's appliance will dial the number and will make sure to allow for a maximum of only two or three rings (usually two) to let the recipient's appliance identify the caller's telephone number. Herein, the maximum of only two or three rings is considered as a distinctive ringing pattern by the examiner (initiating a PSTN telephone call with a distinctive ringing pattern to the called device, if the called device is not already connected to the Internet). In step 120', the recipient's appliance dials local network service provider (NSP) to establish PPP link (connected the called device to the Internet in response to the distinctive ringing pattern).

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With respect to claim 4, Lee discloses (page 15, lines 2-5) that if an Internet call is desired, the caller's appliance will dial the number and will make sure to allow for a maximum of only two or three rings (usually two) to let the recipient's appliance identify the caller's telephone number. Herein, the maximum of only two rings is considered a different ringing pattern from the ringing pattern of a regular PSTN telephone call by the examiner, since PSTN call can have a maximum of five or six or seven rings, etc...(wherein the distinctive ringing pattern is different from the ringing pattern of a regular PSTN telephone call).

With respect to claim 5, Lee discloses in Fig. 5b, step 440, the recipient's appliance checks caller ID (receiving a caller ID telephone number through the PSTN line). In step 442, a determination is made whether a caller is an appliance user by checking its internal phonebook (comparing the received caller ID telephone number with a predetermined telephone number). Once it is determined the caller is an appliance user then the recipient's appliance dials local NSP to establish PPP link (if the received caller ID telephone number matches the predetermined telephone number, then there is Internet communication waiting to be processed).

With respect to claim 6, Lee discloses in Fig. 5b that Internet link is established by the recipient's appliance once it is determined the received caller ID is valid by checking its internal phonebook (step of processing the Internet communication in response to the arrival indication).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Lauzon et al (US Patent No. 6,304,649) discloses method and system for processing an incoming call.

Peters et al (US Patent No. 5,142,569) discloses an apparatus for selectively enabling subscriber device to respond to ringing signal in dependence upon ringing cadence.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

avl



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
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11/28/03